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July 26, 2023

VIA ECF

The Honorable Alvin K. Hellerstein
 U.S. District Court for the Southern District of New York
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street, Room 1050
 New York, NY 10007

The proposed briefing schedule is so ordered. Defendant's motion to dismiss, ECF No. 21, is denied as moot. The Clerk of Court shall terminate the motion.

/s/ Alvin Hellerstein
 July 26, 2023

Re: United States ex rel. Steven Adler v. The Sporn Company Inc., No. 1:20-cv-8194-AKH

Dear Judge Hellerstein:

This firm represents Plaintiff-Relator Steven Adler in the above-referenced action currently pending before this Court. This joint letter is submitted on behalf of all Parties. In light of the recently filed Amended Complaint, the Parties respectfully request the Court to deny Defendants' Motion to Dismiss the Complaint as moot, and grant Defendants until August 3, 2023, to file any response to the Amended Complaint.

By way of background, Plaintiff-Relator filed the original Complaint in this qui tam matter on October 2, 2020. (Dkt. 1.) The action was unsealed in January 2023. (Dkt. 6.) On June 28, 2023, Defendants moved to dismiss. (Dkt. 21.) On July 5, 2023, this Court extended the time to respond to Defendants' motion (as well as Plaintiff-Relator's Motion for Partial Summary Judgment) until July 28, 2023. (Dkt. 28.) As it stands, the following are the current deadlines in this matter:

Events	Original Filing Date / Deadline
Pl.'s Mot. for Partial Summary Judgment (Dkt. 16)	June 28, 2023
Defs.' Mot. to Dismiss (Dkt. 21)	June 28, 2023
Am. Compl. Pursuant to R. 15(a)(1)(B) (Dkts. 29-30)	July 19, 2023
Defs.' Opp'n to Mot. for Partial Summ. J.	July 28, 2023
Pl.'s Opp'n to Mot. to Dismiss	July 28, 2023
Pl.'s Reply in Support of Mot. for Partial Summ. J.	August 4, 2023
Defs.' Reply in Support of Mot. to Dismiss	August 4, 2023

On July 19, 2023, Plaintiff-Relator timely filed an Amended Complaint under Rule 15(a)(1)(B). (Dkts. 29-30.)¹ The Amended Complaint added allegations responsive to Defendants'

¹ Plaintiff-Relator filed the Amended Complaint on July 19, 2023, as Dkt. 29, but the original filing was marked as a filing error the following day, because counsel selected only "Steven Adler" as the filing party and not "Steven Adler" and "the United States of America." Counsel promptly

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Motion to Dismiss and also dismissed a defendant and a claim. Defendants intend to respond by filing a new Motion to Dismiss the Amended Complaint and will do so by August 3, 2023. Accordingly, the Parties agree that filing an opposition to the pending Motion to Dismiss the original Complaint would serve little purpose. As such, the Parties request the Court enter the following schedule:

Events	Proposed Filing Date / Deadline
Defs.' Mot. to Dismiss Compl. (Dkt. 21, filed June 28, 2023)	Deny as Moot
Defs.' Opp'n to Mot. for Partial Summ. J.	July 28, 2023 (unchanged)
Defs.' Mot. to Dismiss Am. Compl.	August 3, 2023
Pl.'s Reply in Support of Mot. for Partial Summ. J.	August 4, 2023 (unchanged)
Pl.'s Opp'n to Mot. to Dismiss Am. Compl.	August 17, 2023
Defs.' Reply in Support of Mot. to Dismiss Am. Compl.	August 24, 2023

In other words, the Parties request that Defendants' pending Motion to Dismiss the Complaint, filed June 28, 2023 (Dkt. 21), be denied as moot, and that the Court set August 3, 2023, as the deadline for Defendants to file any Motion to Dismiss the Amended Complaint.

Plaintiff-Relator previously sought this relief, but the Court denied the request without prejudice pending compliance with the Court's rules. (Dkt. 32.) A previous request for an extension of time for Plaintiff-Relator to oppose Defendants' Motion to Dismiss and for Defendants to oppose Plaintiff-Relator's Motion for Partial Summary Judgment was granted by this Court. (Dkt. 28.) Except for the current deadlines set forth above, no other court dates or deadlines have been scheduled in this matter. All Parties consent to the relief sought by this Letter.

We appreciate the Court's consideration of this request.

Respectfully submitted,

/s/ Russell Kornblith

Russell Kornblith

refiled the Amended Complaint and exhibits as Dkt. 30 approximately one hour after being notified of the filing error.